

27750. Misbranding of Sun-Ray Vita-Lax. U. S. v. 53 Packages and 68 Packages of Sun-Ray Vita-Lax. Default decree of condemnation and destruction. (F. & D. No. 39995. Sample No. 43945-C.)

This product was labeled to convey the impression that it derived its principal activity from plant materials; whereas its principal active agent was phenolphthalein, a laxative coal-tar drug. The labeling also bore false and fraudulent representations regarding the curative or therapeutic effects of the article.

On July 20, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 small packages and 68 large packages of Sun Ray Vita-Lax at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 14, 1937, by the Vita-Lax Products Co. from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "The Vita-Lax Products Co. Laboratories—Birmingham, Ala."

Analysis showed that it consisted essentially of bran, agar-agar, psyllium seed, yeast, and phenolphthalein (approximately 0.3 grain per average level teaspoonful).

The article was alleged to be misbranded in that the statements "Sun-Ray Vita-Lax" and "The Original Vitamin Laxative," borne on the carton and in the circular, were false and misleading since they represented that the article was a vitamin laxative; whereas it was not but was essentially a phenolphthalein laxative. It was alleged to be misbranded further in that the statements on the carton in relatively large type, "Sun Ray Vita-Lax contains Agar-Agar Bran Wheat Psyllium Seed Sun Ripe Figs Lacto Dextrin Iron Yeast Malt," and in relatively small-sized type, "1-10 of 1% Benzoate of Soda. Phenothalin 1-2 grain to 2 teaspoonsfull," constituted a false and misleading device creating the impression that the article consisted largely of plant material; whereas it did not consist largely of plant material, since the principal active ingredient was the synthetic coal-tar laxative drug, phenolphthalein.

It was alleged to be misbranded further in that the carton and the circular contained therein bore false and fraudulent representations regarding its effectiveness in the treatment of acid indigestion, deficiency diseases, headache, nervousness, dizzy spells, backache, poor appetite, pimples or acid skin, kidney, liver, and gall-bladder trouble, rheumatism, and arthritis; its effectiveness to reduce weight and to increase weight; and its effectiveness in promoting the natural activities of the digestive and eliminative organs and in maintaining health.

On August 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*